



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2302661
Applicant Name: Andrew Phillips
Address of Proposal: 210 Alaskan Way South

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit To establish use for future construction of a 5-story building containing 4 floors of congregate residence, 3,820 square feet of administrative office and 3,820 square feet of customer service office all accessory to an existing community center (The Compass Center). Project includes a partially below grade garage with parking for 15 vehicles.

The following approvals are required:

Shoreline Substantial Development Permit – to allow a congregate residence, administrative office and customer service offices accessory to a community center in the Urban Harbor Front (UH) Shoreline Environment. (Section 23.60.540, Seattle Municipal Code)

SEPA - Environmental Determination (Chapter 25.05, SMC)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☐ DNS with conditions
 ☐ DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Existing Conditions and Area Development

The proposal site is located in the Pioneer Square Neighborhood at 210 Alaskan Way S. The property is zoned Pioneer Square Mixed (PSM-100) and located within the Urban Harbor Front (UH) Shoreline Environment. The subject site is currently home to a surface parking lot and one

story building that formally housed a small print shop. There is approximately 60 feet of street frontage along Alaskan Way South. The property extends east away from the water an approximate depth of 134'6" feet concluding at an improved alley. Development surrounding the project site consists of the OK Hotel building directly south, the existing Compass Center and the St. Charles Hotel buildings to the north and the Alaskan Way Viaduct to the west.

Proposed Action

The applicant proposes to remove the existing structure and construct a 5-story building containing 4 floors of congregate residence, 3,820 square feet of administrative office and 3,820 square feet of customer service office all accessory to an existing community center (The Compass Center). The proposed structure will include parking for 15 vehicles in a partially below grade garage.

Public Comment

No letters were received during the public comment period which ended on June 20th 2003.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: "*A substantial development permit shall be issued only when the development proposed is consistent with:*"

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter 23.60.198, 23.60.540;*
- C. *The provisions of Chapter 173-27 WAC.*

A. THE POLICIES AND PROCEDURES OF CHAPTER 90.58. RCW

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy and practice of the State to provide guidelines by which development within the shorelines of the state can take place in a safe manner that is not detrimental to the ecology or natural environment. The regulation of uses within the shorelines of the state protects both the public's use and rights of navigation and aquatic life.

While the Shoreline Management Act of 1971 (SMA) provides theories and definitions, it gives the primary responsibility for initiating and administering the regulatory portion of the SMA to local government. The Department of Ecology is largely responsible for insuring compliance with the policy and provisions of the SMA. As a result, the City of Seattle, and other jurisdictions with shorelines adopted a local shoreline master program, codified in the Seattle Municipal Code as Chapter 23.60. Development on the shorelines of the State is not to occur unless it is consistent with the policies and provisions of the SMA and the local shoreline master program. Among the many provisions of the SMA are the public right to notice of an application and appeal of proposed actions and penalties for violating its conditions.

The proposal to remove an existing commercial structure and construct a new 5-story building is consistent with the objectives for development on upland lots within 200' of the shoreline; thus, this proposal is consistent with the policies and procedures of the RCW Chapter 90.58.

B. THE REGULATIONS OF CHAPTER 23.60

The regulations of Section 23.60.004 entitled shoreline goals and policies, require the goals, policies, purpose and location criteria for each shoreline environment, be considered in making all discretionary decisions within the shoreline district. The proposal to demolish an existing residential structure and construct a duplex townhouse in the urban residential shoreline environment is subject to the following sections:

1. Shoreline Substantial Development Permit (Section 23.60.020)

A shoreline substantial development permit is required for all projects whose use is permitted within the shoreline district and the value of the proposed action exceeds \$2,500 or interferes with the normal public use of the shorelines and or water of the City. The proposed construction of a 5-story congregate residence and associated offices will exceed the threshold of \$2,500. Because congregate residences, administrative offices and customer services offices are uses that are allowed on upland lots within the shorelines of the City, this project requires a shoreline substantial development permit.

2. General Development (Section 23.60.152)

The general development standards of section 23.60.152 apply to all uses within the shoreline. The goals of this section are designed to insure all development that occurs within the shoreline is conducted in an environmentally sound way that complies with the SMP in order to minimize their impact.

3. Development Standards for the UH Environment (Section 23.60.670)

This section of the shoreline chapter of the land use code regulates the allowed uses with the UH environment and outlines specific development standards. For uses which are permitted in the UH environment, they cannot be built to exceed 100' feet height and they may have 100% lot coverage. In this shoreline environment, institutions, ie community centers, residential uses and offices are all permitted outright. The proposed structure height and lot coverage are also within the allowed limits. No view corridor is required on upland lots.

C. THE PROVISIONS OF CHAPTER 173-27 WAC

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the State's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of the SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

The proposal to allow a new 5-story building in the UH environment is subject to issuance of a Shoreline Substantial Development Permit, because the site is located within the shoreline district and the cost of the project exceeds \$2,500. Therefore, the proposal is consistent with the above-cited criterion.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT

The proposed action is **GRANTED**.

SHORELINE CONDITIONS

None.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 28, 2003. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SSMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SSMC 25.05.665 D1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-Term Impacts

The following temporary or construction-related impacts are expected: demolition and construction activity could result in dust and storm water runoff, emissions from construction machinery and vehicles, increased particulate levels during demolition and construction, increased noise level, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. These impacts are not considered significant because they are temporary and minor in scope (SMC 25.05.794).

City codes and/or ordinances applicable to the project such as: The Noise Ordinance, the Storm water Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Street Use Ordinance includes regulations which mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) is adequately controlled with a street use permit through the Seattle Transportation Department. Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts.

It is a policy of the City of Seattle to protect, and preserve sites possessing potential archaeologically significant resources. Properties located with 200 feet of the US Government Meander line are characteristically similar to areas where archaeological items of significance have been found in the past. Thus, in order to ensure that no adverse impact occurs to items which may be uncovered during the excavation process this application will be conditioned to make certain that the responsible parties notify the State office of Archaeology and Historic Preservation (OAHF).

Long-Term Impacts

The following long-term impacts are expected: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

SEPA CONDITIONS

During construction

1. In the event that potential archaeological significant items are encountered during construction or excavation, the owner and /responsible parties including construction crews shall:
 - a. Stop work immediately and notify DCLU Planner, Glenda Warmoth 684-0966 and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHP). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
 - b. Abide by all regulations pertaining to discovery and excavation of archaeological resources, including by not limited to Chapters 27.34,27.53,27.44,79.01 and 79.90 RCW and Chapters 25.48 WAC as applicable, or their successors.

Signature: (signature on file) Date: October 9, 2003
Glenda Warmoth, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services